

1. The name of the case, the name of the parties

The modification of the spouses share in the community property according to their participation in marriage breakdown

plaintiff: P. B. (husband)

defendant: P. B. (wife)

2. A summary of the facts of the case

The district court in Klatovy ordered into the sole property of plaintiff:

1. the account balance at G. C. B. -11.972,50 Kč
2. the account balance at G. C. B. 235,38 Kč
3. the credit balance at G. C. B. -13.807,16 Kč
4. the credit balance at G. C. B. -68.629,32 Kč

Into the sole property of defendant the court ordered:

1. the account balance at K. b. 16.696,57 Kč
2. vacuum cleaner brand Philips in value 4.500,- Kč

The court also impose to plaintiff to pay out 29.814,91 Kč to the defendant as a share settlement of community property.

The regional court in Plzeň as a appeal court reversed the ruling of the first instance. The appeal court held that:

1. into plaintiff's sole property accrue:
 1. the account balance at G. C. B. -11.972,50 Kč
 2. the account balance at G. C. B. 235,38 Kč
2. into defendant's sole property accrue the account balance at K. b. 16.696,57 Kč
3. the plaintiff has a obligation to pay the credit balance at G. C. B. 13.807,16 Kč and also to pay the credit balance at G. C. B. 68.629,32 Kč.
4. the plaintiff has a obligation to pay out 10.552,- Kč to the defendant as a share settlement of community property.

The claimant appealed to the Supreme court.

3. The legal issues involved in the case

The question raised by this case is whether the court should take into consideration who caused the marriage breakdown when settle the community property.

4. The ruling or holding of the court

The supreme court ruled that appeal is not justified and affirmed the decision of regional court.

5. The reasoning of the court

The court argued that the share of the spouse on the defunct community property cannot be decreased just because obvious cause of the marriage breakdown was his extramarital relationship.